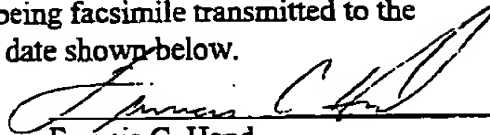


#9

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the USPTO at (703) 308-6916 on the date shown below.

May 14, 2002  
Date

  
Francis C. Hand

**Office of Petitions**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

FAX RECEIVED

MAY 14 2002

PETITIONS OFFICE

Applicants: Burt Swersey, et al  
Serial No: 09/800,872  
Filed: March 7, 2001  
TITLE: DIFFERENTIAL PERMEOMETER Customer No.: 27162

Commissioner for Patents  
Washington, D.C. 20231

**DECLARATION IN SUPPORT OF REQUEST RECONSIDERATION  
OF PETITION UNDER 37 CFR 1.47(A)**

Sir:

I, the attorney of record, hereby declare as follows:

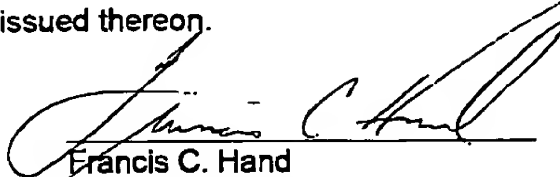
On May 2, 2002, I received an email (copy attached) from one of the named inventors, Burt Swersey, providing information as to the whereabouts of the non-signing inventor, Elias Kaplan.

On May 2, 2002, I submitted four (4) emails to Mr. Kaplan (copies attached) enclosing a copy of the patent application as filed, a Declaration of inventorship and an Assignment form for execution.

On May 13, 2002 the executed Declaration was received by facsimile from Elias Kaplan and is being submitted herewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of

the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Francis C. Hand  
Attorney of Record

May 14, 2002  
Date

140821

## Francis Hand

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**From:** Burt Swersey [swersb@rpi.edu]  
**Sent:** Thursday, May 02, 2002 12:07 PM  
**To:** FHand@carellabyrne.com  
**Subject:** Fwd: Kaplan -Permeometer invention  
Frank-

Here is the info on Elias Kaplan.. Note that his fax number is below..  
I will email him and tell him that you will be contacting him to sign the forms.

Burt

Subject: Permeometer invention  
Date: Mon, 18 Mar 2002 17:00:56 -0800  
X-MS-Has-Attach:  
X-MS-TNEF-Correlator:  
Thread-Topic: Permeometer invention.  
Thread-Index: AcHO4YWcCOxtn67CQqy4Uu49T4lh0Q==  
From: "Elias Kaplan" <eliask@Exchange.Microsoft.com>  
To: <swersb@rpi.edu>  
X-OriginalArrivalTime: 19 Mar 2002 01:00:55.0612 (UTC) FILETIME=  
[861D5FC0:01C1CEE1]  
X-Scanned-By: MIMEDefang 2.3 (www dot roaringpenguin dot com slash mimedefang)

Hi Burt,

How are you? We are doing fine after a couple of moves. Meantime in 4 years we have been in Troy, NY and now Seattle (Redmond). My daughter Carol (5th grade) just finished her first invention, a device aimed to help turn book pages, we looked at the Lego kit you told me about, but a science fair rule was avoid using expensive kits, maybe in the future.

We build our won stuff using a couple of small electric motors, a board and other junk, bought some stuff at hobby store as well.

She used a light arm built on balsa wood and rubber articulation, a string to lift the end part of the arm (hand operated meantime), a hand held vacuum cleaner to suck the page through small tube and sucker. It's kind of working, although it lacks automation and vacuum, was mostly her job, I tried to help as less as possible. I'll send later a couple of pictures.

I would like to know what's the status on the permeometer patent, last time we spoke, a couple of years ago, I had to leave for Uruguay for a while for family matters and couldn't get into the last stages of the patent application, I would like to get my name added to the patent if still possible. I'd like to grant my earnings from the patent to the Invention Studio new projects in case there is some potential customers, I know that marketing the patent is as hard as to get the device working though.

Best regards to your wife, happy pesaj.

05/02/2002

Elias Kaplan (eliask@microsoft.com)

<http://ekaplan>

Phone: +1(425) 7075797

Fax: +1(425) 9367329

One Microsoft Way

Redmond, WA 98052

## Francis Hand

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**From:** Francis Hand  
**Sent:** Thursday, May 02, 2002 1:46 PM  
**To:** 'eliask@microsoft.com'  
**Cc:** Burt Swersey (E-mail)  
**Subject:** Differential Permeometer Patent Application  
Dear Mr. Kaplan

Burt Swersey has given me your email number so that I might contact you directly as the attorney of record in the above patent application.

Attached is a copy of the patent application that was filed and in which you are named as an inventor.

We need to have your signature on a Declaration of Inventorship as well as an Assignment to RPI. I shall send these documents separately later today.  
Francis C. Hand

05/13/2002

## Francis Hand

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**To:** eliask@microsoft.com  
**Cc:** Burt Swersey (E-mail)  
**Subject:** Differential Permeometer

Dear Mr. Kaplan

I am the attorney of record in the above pending patent application and in which you are named as an inventor. Burt Swersey gave me your email address so tha I could contact you directly.

We need to have you execute a Declaration of inventorship and an Assignment to RPI for recoding in te USPTO.

The Declaraction that is attached requires your residence (City, State), Post Office address, your signature and the date. I understand that you are a citizen of Argentina.

I shall forward the Assignment separately and a copy of the patent application separately later today.

After execution please fax the executed papers to me and send the originals by mail.  
If you have any questions please call me at 973-994-1700  
Francis C. Hand

05/02/2002

**Francis Hand**

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**To:** eliask@microsoft.com; eliask@microsoft.com

**Cc:** Burt Swersey (E-mail)

**Subject:** Differential Permeometer Patent Application

Mr. Kaplan

Attached is a copy of the patent application as filed.

Francis C. Hand

## Francis Hand

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**To:** eliask@microsoft.com  
**Cc:** Burt Swersey (E-mail)  
**Subject:** Differential Permeometer

Mr. Kaplan

Attached is an Assignment form that requires execution by you.

Please sign before a Notary PUblic and make sure that the Notary impresses his/her seal and indicates the date that his/her commission expires thereon.

After execution please fax a copy to me and send the original by mail to

Francis C.Hand  
Carella, Byrne, Bain et al  
6 Becker Farm Road  
Roseland, NJ 07068-1739

Thank you

Francis C. Hand